

REMARKS

Claims 1, 11, 14, 19 and 20 have been amended to more clearly define Applicants' invention. Support for the amendments can be found throughout the specification, for example, at page 4, lines 6 to 8 and page 9, lines 23 to 25 of the specification. No new matter has been added. Claims 1 to 20 are pending. Claims 1, 14 and 20 are independent.

Rejection for Double Patenting

In the Office Action, the Examiner has rejected claims 1 to 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 21 of U.S. Patent No. 5,742,066 to Cavestri. See page 2 of the Office Action.


While Applicants do not concede that the claimed invention is obvious over the claims of the Cavestri patent, Applicants submit a terminal disclaimer (Tab A) and, as a result, respectfully request that the Examiner withdraw this rejection.

Rejection under 35 U.S.C. § 112

Claims 1 to 20 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. See page 3 of the Office Action. Specifically, the Examiner contends that "[i]n claims 1, 14 and 20 the language 'capable of' is considered vague and indefinite and should be replaced with positive language." See page 3 of the Office Action.

Claims 1, 14 and 20 have been amended to remove this phrase in order to advance prosecution, although Applicants disagree that the phrase is indefinite. Applicants believe that amended claims 1, 14 and 20 are definite. Applicants respectfully request reconsideration and withdrawal of this rejection.

Attached is a marked-up version of the changes being made by the current amendment.




Applicant : Kalley et al.
Serial No. : 09/704,543
Filed : November 3, 2000
Page : 4

Attorney Docket No.: 09222-054001

Applicant asks that all claims be allowed. Please apply any other charges or credits to
Deposit Account No. 06-1050.

Respectfully submitted,

Date: 10-9-02


Harold H. Fox
Reg. No. 41,498

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

40123970.doc



Version with markings to show changes made

In the claims:

Claims 1, 11, 14, 19 and 20 has been amended as follows:

1. (Amended) A light source for examination of a substance which emits light at a wavelength greater than a wavelength of light emitted from the light source when the substance is excited by the wavelength of light emitted from the light source, the light source comprising:

a housing having a light outlet; and

a low-voltage lamp positioned in the housing and oriented to emit light through the light outlet, **[wherein the lamp is capable of being connected to a source of electrical power,]**

wherein the low-voltage lamp emits light of a wavelength within a predetermined range effective to enhance the detection of emission of light from a substance when the substance is excited by the wavelength of light emitted from the lamp.


11. (Amended) The light source of claim 1, wherein **the lamp is connected to a source of electrical power and** the source of electrical power is a battery.

14. (Amended) A light source for examination of a substance which emits light at a wavelength greater than a wavelength of light emitted from the light source when the substance is excited by the wavelength of light emitted from the light source, the light source comprising:

a housing having a light outlet; and

a low heat generating lamp positioned in the housing and oriented to emit light through the light outlet[, **wherein the lamp is capable of being connected to a source of electrical power],**

wherein the low heat generating lamp emits light of a wavelength within a predetermined range effective to enhance the detection of emission of light from a substance when the substance is excited by the wavelength of light emitted from the lamp.



19. (Amended) The light source of claim 14, wherein the lamp is connected to a source of electrical power and the source of electrical power includes a battery.

20. (Amended) A method of detecting a leak in a system containing a substance **[capable of emitting] for emitting** an emission wavelength of light after being excited by an excitation wavelength of light, the method comprising:

providing light within a predetermined wavelength range from a light source to a leak site, the light emitted from a low-voltage lamp, wherein the lamp is **[capable of being]** connected to a source of electrical power; and
detecting emission of light from the substance.

